

Message Text

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PAGE 01 STATE 011609
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 JUSE-00 CA-01 /015 R

DRAFTED BY L/M:GALEHNER:JBM
APPROVED BY L/M:KEMALMBORG
JUSTICE - M.STEIN (INFO)
ARA/CEN - D. FIGGINS (INFO)
-----027412 170620Z /15
R 162253Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY TEGUCIGALPA

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E.O. 11652:

TAGS: PDIP

SUBJECT: EXTRADITION - CREW OF YOSURU

1. DEPARTMENT RECEIVED EXTRADITION DOCUMENTS ON JANUARY 10
TOO LATE TO SUBMIT TO COURT FOR THE EXTRADITION HEARING.

2. UNDER EXTRADITION TREATY, FUGITIVE CAN ONLY BE HELD FOR
SIXTY DAYS ON A PROVISIONAL ARREST REQUEST. ON JANUARY 6
JUDGE ORDERED THAT FUGITIVES BE RELEASED AS SIXTY DAYS HAD
PASSED. CREW WAS RELEASED TO CUSTODY OF INS AND SUBSE-
QUENTLY DEPORTED TO COLOMBIA.

3. DEPARTMENT NOTES THAT EVEN IF DOCUMENTS HAD ARRIVED
WITHIN THE SIXTY DAY LIMIT THEY WOULD NOT HAVE BEEN ACCEPT-
ABLE TO U.S. COURT. SPECIFICALLY, DOCUMENTS REFER TO THE
CONVENTION FOR EXTRADITION, SIGNED AT MONTEVIDEO IN 1933.
WHILE THE U.S. AND HONDURAS ARE BOTH PARTIES TO THIS TREATY
THE BILATERAL TREATY ON EXTRADITION OF 1909 GOVERNS U.S.-
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HONDURAN EXTRADITION RELATIONS. SECOND, THE DOCUMENTS WERE
NOT PROPERLY CERTIFIED BY EMBASSY. ACCORDING TO 11 FAM 151.2
CERTIFICATION MUST BE DONE ON FORM 36 WHICH REQUIRES THE
CHIEF DIPLOMATIC OR CONSULAR OFFICIAL TO CERTIFY THAT DOCU-
MENTS ARE ADMISSABLE FOR SIMILAR PURPOSES IN THE COURTS OF
HONDURAS. WITHOUT THIS CERTIFICATION THE DOCUMENTS WILL

NOT BE RECEIVED INTO EVIDENCE BY A U.S. COURT. THERE ARE ADDITIONAL PROBLEMS CONCERNING THE ACTUAL CONTENTS OF THE DOCUMENTS. DEPARTMENT SPECIFICALLY NOTES THAT THE TEXT OF THE HONDURAN LAW IS NOT INCLUDED.

4. DEPARTMENT IS ANXIOUS TO ASSIST EMBASSY AND GOH IN PREPARATION OF EXTRADITION CASES PARTICULARLY SINCE WE ANTICIPATE THAT MORE BOATS WILL BE SEIZED BY THE COAST GUARD FOR PROSECUTION UNDER HONDURAN LAW. DEPARTMENT OFFICER AND/OR JUSTICE DEPARTMENT OFFICIAL FAMILIAR WITH REQUIREMENTS OF U.S. COURTS IN EXTRADITION CASES MIGHT BE ABLE TO TRAVEL TO HONDURAS TO MEET WITH APPROPRIATE GOH OFFICIALS TO REVIEW EXTRADITION PROCEDURES AND PREPARATION OF DOCUMENTS. EMBASSY REQUESTED TO RESPOND TO THIS PROPOSAL. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 16 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE011609
Document Source: CORE
Document Unique ID: 00
Drafter: GALEHNER:JBM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780024-0313
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780158/aaaabxas.tel
Line Count: 77
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fd8763e3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3766692
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - CREW OF YOSURU
TAGS: PDIP
To: TEGUCIGALPA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/fd8763e3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
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